

Boldt Decision

Middle School & High School

Education Standards:

MS: C1.6-8.2, C1.6-8.3, C3.6-8.1, C4.6-8.3, G2.6-8.1, G2.6-8.3, G3.6-8.2, G3.6-8.3, G2.6-8.7, H1.6-8.5, H2.6-8.2, H2.6-8.3, H3.6-8.4, H4.6-8.2, H4.6-8.3

HS: SSS1.9-12.3, SSS3.9-12.5, SSS4.9-12.3, C2.9-10.1, C2.11-12.1, C3.9-10.1, C4.11-12.2, C4.11-12.4, G1.11.-12.1, G1.11.-12.2, G1.11.-12.4, G1.11.-12.6, G2.9-10.1, G2.11-12.1, G2.11-12.3, G2.11-12.6, H1.9-10.2, H1.11.-12.1, H2.11-12.3, H3.9-10.3, H3.11-12.1, H3.11-12.2, H3.11-12.5, H3.11-12.7, H4.11-12.1, H4.11-12.2, H4.11-12.3

Lesson Objectives:

- Students will develop and demonstrate an understanding of Coast Salish culture and values, including salmon, fishing, and fishing rights.
- Students will be able to recognize and explain the importance of treaty rights and the Boldt decision.
- Evaluate and analyze primary and secondary sources to synthesize learning and write a column, OR research and expand on another aspect of treaty fishing rights and write a column on it.

Instructions & Materials:

- Provide students with the attached t-chart at the beginning of the lesson. This will become an assessment following the lesson to measure learning and meaningfulness of what was learned.
- As Long As The Rivers Run documentary, 1 hour long

Attached Questions Worksheet during or after showing the documentary (with answer key)

- Attached reading packet with graphic organizer, short answer questions, and

Allow students to work in groups, or complete half the reading by going around the room or popcorn reading, as preferred.

- Have students read at least 2 or 3 of the selected Being Frank columns written by Billy Frank Jr. (links on next page)

Ask students to write their own column about what they learned OR research and write about an aspect of treaty fishing rights or cases.

- Have students fill out the rest of the t-chart

Boldt Decision

Middle School & High School

Instructions & Materials Continued:

Selected Being Frank Columns:

- Don't Let First Salmon Become Last Salmon
<https://www.tulalipnews.com/wp/2013/06/03/being-frank-dont-let-first-salmon-become-last-salmon/>
- Salmon Are For Everyone <https://nwtreatytribes.org/salmon-are-for-everyone/>
- Put People Before Profit <https://nwtreatytribes.org/put-people-profits/>
- We Need to Win the Battle for Salmon Recovery
<https://nwtreatytribes.org/we-need-to-win-the-battle-for-salmon-recovery/>
- Pollution Denies Our Treaty Rights
<https://nwtreatytribes.org/pollution-denies-our-treaty-rights/>
- Will The Rivers Run Dry? <https://nwtreatytribes.org/will-the-rivers-run-dry/>
- Status Quo Has To Go <https://nwtreatytribes.org/status-quo-has-to-go/>
- They're Counting On Us <https://nwtreatytribes.org/theyre-counting-on-us/>
- Don't Let Fishing be the Scapegoat
<https://nwtreatytribes.org/dont-let-fishing-be-the-scapegoat/>
- Tribal Efforts Benefit You <https://nwtreatytribes.org/being-frank-tribal-efforts-benefit-you/>

Name: _____ Class: _____

Before new learning	After: Now I know

Name: _____ Class: _____

1. What impact do you think it had on tribal people to not be able to fish peacefully before the Boldt decision?

2. How does Billy Frank Jr and the Nisqually Tribe's fight for fishing rights connect to the Tulalip Tribes?

3. Why is it important that we learn from primary sources and that we have videos from this point in time?

Name: _____ Class: _____

1. What impact do you think it had on tribal people to not be able to fish peacefully before the Boldt decision?

Answers vary, opinion question.

2. How does Billy Frank Jr and the Nisqually Tribe's fight for fishing rights connect to the Tulalip Tribes?

A: Tribal fisherman from all tribes were being persecuted for fishing across Washington State. Tulalip also signed a treaty that promised they would maintain fishing rights. Fishing is an important way of life for the Tulalip Tribes and all Coast Salish people.

3. Why is it important that we learn from primary sources and that we have videos from this point in time?

A: Answers vary but it is important because through primary sources and videos we are able to learn what was actually happening to Native people and what it was like for them to go through that.

Name: _____ Class: _____

Boldt Decision

Since Time Immemorial: Salmon

The many tribes of the Coast Salish people thrived on the land. Fish and wildlife were abundant. All genders, ages, and skill levels shared in the work of fishing. Families worked collaboratively to catch, clean, prepare, preserve, and transport their season's harvest. Each family transitioned from their permanent residence to temporary fishing camps on the rivers and at the shores of the bay during the salmon run. Families worked hard building temporary shelters, collecting firewood, and setting up for drying the catch. Men prepared their canoes and fishing gear to fish day and night. Women and children cleaned and prepared the catch to preserve the salmon for the winter.

Salmon was extremely abundant. Salmon could be preserved and stored for long periods of time, providing a supply of energy and nutrients. Strong salmon runs along with the preserved meat could feed the families of a tribe for an entire year. Salmon earned a heightened status of reverence because of its critical role in sustaining families and tribes for generations. Salmon is used exclusively for sustenance. Fish was a dietary staple that could be baked, dried, boiled, and smoked. Salmon roe, the eggs, laid in riverine environments could be consumed raw and helped ensure an ample food supply even in between salmon runs. Watertight cedar cooking baskets allowed salmon meat to be steamed or boiled, maintaining its rich vitamin content.

Spit-smoked salmon over an alder wood fire is a staple in Tulalip culture, even today. It is still frequently prepared for ceremonies and special occasions or served as a treat for guests and visitors.

An important way the Tulalip people, and other Coast Salish tribes, honor salmon is by celebrating the annual Salmon Ceremony. The Salmon Ceremony honors the return of salmon and the first salmon of the season to be caught. In Tulalip tradition, the Big Salmon King arrives before his people in order to ensure their fair and kind treatment. The people give thanks to the Big King Salmon's guidance, and celebrate with songs and with reverence. The first salmon is cooked ceremonially and fed in small pieces to everyone in attendance. The Big King Salmon's remains are returned to the ocean so he can tell his people, the other salmon, how well he was treated. This helps to ensure that salmon return year after year. The Salmon Ceremony embodies the attitudes of sustainability and responsibility inherent in the Tulalip use of natural resources and way of life.

Treaty Times

The Point Elliot Treaty was signed on January 22, 1855 in what today is Mukilteo, Washington. Muckle-te-oh had been an important meeting and trading place for Coast Salish tribes for thousands of years.

Thousands of Indian people gathered for the convention. Although tribal leaders understood very little English, they were still expected to sign the treaty. Negotiations were conducted through two interpreters. One translated English into Chinook Jargon, and another interpreted Chinook Jargon into different tribal languages, including Lushootseed. Chinook Jargon is a trade language consisting of around 500 words, which limited the ability to translate into tribal languages.

The treaty sought for tribes to give up millions of acres of land on which they had lived on since time immemorial, and promised tribal rights, education, medical assistance, and housing. The region of land stretched from the Cascade Mountains in the east, the Canadian border in the north, south almost to Tacoma, and the waters of the Puget Sound. This area includes what is today the counties of King, Snohomish, Skagit, Whatcom, Island, and part of Kitsap. The treaty also specified that tribes retained the right to fish in usual and accustomed places, where they had always fished.

Tribes were given four small pieces of land, three of which were supposed to be temporary reserves and instead became permanent reservations. The treaty established the Tulalip, Port Madison, Swinomish, and Lummi reservations. The Treaty of Point Elliot was not ratified until 1859, and the Tulalip Indian Reservation was officially established in 1873 by presidential executive order. The Tulalip Tribes are the direct descendants of and the successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied bands signatory to the 1855 Treaty of Point Elliot.

Further south, the Puyallup, Nisqually, Steilacoom, and Squaxin Island tribes signed the Treaty of Medicine Creek on December 26, 1854. Here, Governor Stevens told his team that the treaty was to be signed and not negotiated. Similar to the Point Elliot Treaty, the treaty was read to the tribes in Chinook Jargon while there were different tribes who spoke different languages at the treaty signing. The Treaty of Medicine Creek ceded 2.5 million acres from south Puget Sound to Mount Rainier and from the crest of the Cascade Mountains to the Black Hills west of what is now Olympia for \$32,500. Tribes were expected to move to three reservations: Squaxin Island, and small areas near the Nisqually and Puyallup rivers. The treaty similarly promised that tribes retained the right to fish and hunt as they always had. Congress ratified the Treaty of Medicine Creek in March of 1855, but the Nisqually, Puyallup, and Muckleshoot reservations were proclaimed by President Franklin Pierce on January 20, 1857.

In both the Point Elliot Treaty and the Treaty of Medicine Creek, tribal leaders negotiated to keep their fishing rights. Tribes across now Western Washington knew they had to preserve their way of life for their future generations. At the time settlers did not mind agreeing to this provision as they did not see value in fishing as they valued farming and logging. Things would quickly start to change.

The settler population continued to quickly increase through the 1880's and settlers bought land that had been Native fishing spots and closing them off to Native populations.

Non-Native commercial fisherman began opening canneries across Washington state through the late 1880's, 1890's, and 1900's, catching millions of fish leaving minimal harvest for tribal fishers. The state began to impose regulations and fishing fees on tribal fishers, even making river fishing with nets illegal in 1907. Natives had no choice but to turn to the courts for help, to no avail.

Boldt Decision

Unregulated commercial fishing and construction of dams caused large declines in salmon population by the 1960's. While Native fishers only caught between 2-5% of the annual salmon and steelhead catch in the state, the media and public blamed Native fishers. During this time, the state became more aggressive in enforcing conservation policies, arresting Native fishers for off-reservation fishing, and filed a lawsuit for authority over all fisheries.

With the growing civil rights movements of the 1960's, Native fishermen organized together and formed groups like the Survival of the American Indian Association (SAIA) to organize fish-ins. Fish-ins were inspired by sit-ins used by the civil rights movements and the first fish-in took place in March 1964 in Frank's Landing, Billy Frank Jr's home on the Nisqually river. Billy Frank Jr was a founding member of the SAIA, a fisherman, and Nisqually tribal member. Frank Jr's first arrest for fishing took place when Billy was just 14 years old. He would be arrested for fishing more than 50 times throughout his life. Fish-ins drew national attention, attracting well known activists and celebrities. Fish-ins allowed for many people and reporters to see the violence Native fishermen faced when practicing their traditional way of life. At a fish-in in October 1965 state officials took fishing gear, made arrest, and caused injuries. At a fish-in at a fishing camp on the Puyallup River in September 1970, local police and state officials used guns, knives, tear gas, and clubs against tribal fisherman.

The same month, the United States Attorney filed a lawsuit against the State of Washington on behalf of seven treaty tribes. The trial took three years to go through discovery and pre-trial motions before the trial began in Tacoma in August 1973. The judge assigned to the case was Judge George Boldt, who held court six days a week for three weeks. Forty-nine witnesses testified, including Billy Frank Jr and his then 95 year old father, Willie Frank Sr.

The decision, now known commonly as the Boldt decision, arrived in February 1974. The decision ruled that tribes had rights to 50% of the harvestable salmon return, and the right to fish using nets off of reservations. Furthermore, the decision stated that tribal members had rights to fish for hatchery-bred fish and that tribes needed to be a part of the breeding process. Finally, the decision ordered Washington state to limit fishing by non-Natives whenever it was necessary, for conservation purposes. Judge Bold held that the government's promise to secure the fisheries for the tribes was central to the treaty-making process and that tribes had an original right to fish, which they extended to white settlers.

It was not for the state to tell tribes how to manage something that had always been theirs. Treaties are the supreme law of the land, trumping state laws. The decision was appealed to the U.S. Court of Appeals for the Ninth Circuit, but the court affirmed the Boldt decision. The U.S. Supreme Court declined to hear the case, making the Boldt decision final.

Fisheries Management

Tribes were not expecting to receive fisheries management responsibilities before the Boldt decision arrived. Tribal fisheries programs at the time did not have staffing and other capacity to not only manage their own fisheries but also co-manage fisheries with the state of Washington. Therefore, 19 Western Washington treaty tribes including the Tulalip Tribes, came together to create an intertribal organization, the Northwest Indian Fisheries Commission (NWIFC). Among the founding members of the NWIFC were Billy Frank Jr. and Tulalip tribal leader Bernie Gobin. Billy Frank Jr. served as the chair of NWIFC for most of the last 30 years of his life. Through the NWIFC, tribes were able to develop a working government to government relationship with the state for co-management of fisheries. NWIFC also helps tribes coordinate hatchery programs since the 1980s. NWIFC also works to help tribes in matters such as fish health, salmon management planning, and habitat protection.

Tulalip tribal leader Bernie Gobin often traveled to Washington D.C. for his work with the state and federal officials to reach agreements on fisheries issues. By the late 1970's, Gobin and other tribal leaders were negotiating with the federal government to secure funding for a complete hatchery on the Tulalip reservation. Tulalip became the first tribe in the area own and operate a hatchery, which opened on April 2, 1983. The hatchery is located where two forks of the Tulalip Creek meet and is designed to release over 14 million salmon eggs to increase salmon runs returning to waters on the reservation. In 2000, the Tulalip Tribes hatchery was renamed as the Bernie Kai-Kai Gobin Fish Hatchery in honor of Gobin's work.

Billy Frank Jr worked with the Nisqually Tribe to restore the Nisqually River Delta to restore 140 acres of their land as well as 600 acres of federal wildlife refuge land. Billy Frank Jr remained in the public eye as a highly sought after speaker, for the NWIFC, and writing editorials. Frank Jr received countless honors and awards. He passed away at the age of 83 in 2014. The following year, President Barack Obama posthumously award Billy Frank Jr with the Presidential Medal of Freedom.

From 1994 to 2018 tribes continued to fight in court for protections for salmon. Treaty tribes continue to work on fishery and hatchery management, dam removals, fish habitat restoration, and much more. There is still much work to be done, but tribes are more than up to the challenge to continue to practice their traditional way of life.

Use the following graphic organizer to document fishing rights and changes in fishing rights based on what you read.

Before treaties	
After treaties: 1880s-1970's	
Boldt Decision	
After Boldt Decision: 1974- Now	

Short Answer Questions

1. Why is salmon important to tribes?
2. Why did the state of Washington make efforts to limit tribal fishermen from fishing?
3. What was the purpose of fish-ins?
4. How did the Boldt decision affect the Tulalip Tribes?
5. How did tribes engage in conservation, and what role do tribes have in conservation efforts following the Boldt decision?